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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 ALLSTATE INDEMNITY COMPANY, an  
10 Illinois Corp., ALLSTATE PROPERTY  
11 AND CASUALTY INSURANCE  
12 COMPANY, an Illinois Corp. ,

13 Plaintiffs,

14 v.

15 UNA LYONS and JOHN PATRICK  
16 LYONS, husband and wife and the marital  
17 community comprised thereof; KIMBERLY  
18 DIEHL, a single woman,

19 Defendants.

CASE NO. 2:17-cv-00511-BAT

**ORDER NOTING MOTION TO  
DISMISS**

20 On October 31, 2018, Counter Defendants Allstate Indemnity Company, Allstate  
21 Indemnity Company, Allstate Property and Casualty Insurance Company, Allstate Property and  
22 Casualty Insurance Company, Plaintiffs Allstate Indemnity Company, Allstate Property and  
23 Casualty Insurance Company (collectively “Allstate”) filed a “Notice of Mootness,” notifying  
the Court that this declaratory judgment action is now moot as the underlying state court case  
was tried, a defense verdict was rendered, the case has been dismissed, and no appeal has been  
filed. Dkt. 29.

1 The Court views Allstate's notice as a motion to dismiss and **directs the Clerk to note**  
2 **the motion (Dkt. 29)** on the Court's calendar for consideration as a motion to dismiss with  
3 prejudice on **November 23, 2018**.

4 DATED this 1st day of November, 2018.

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8 BRIAN A. TSUCHIDA  
9 Chief United States Magistrate Judge  
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